

## **Remote meeting**

### **Minutes of a meeting of the Cabinet on Wednesday 9 December 2020**

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#### **Committee members present:**

Councillor Brown (Chair)

Councillor Hayes (Deputy Leader)

Councillor Clarkson

Councillor Linda Smith

Councillor Turner (Deputy Leader)

Councillor Chapman

Councillor Hollingsworth

Councillor Upton

#### **Also present:**

Councillor Andrew Gant

Councillor Pat Kennedy

#### **Officers present for all or part of the meeting:**

Gordon Mitchell, Chief Executive

Tom Bridgman, Executive Director (Development)

Paul Leo, Interim Director of Housing

Helen Bishop, Head of Business Improvement

Nadeem Murtuja, Interim Executive Director for Communities

Tim Sadler, Transition Director / Chairman Direct Services Companies

Nigel Kennedy, Head of Financial Services

Anita Bradley, Monitoring Officer

Jane Winfield, Head of Corporate Property

Adrian Arnold, Head of Planning Services

Emma Gubbins, Senior Estates Surveyor

Tom Hudson, Scrutiny Officer

Lan Nguyen, Data Analyst

Rachel Nixon, Senior Planner

Paul Scott, Land Quality Officer

Steve Weitzel, Regeneration Manager

Paul Worts, Property Health & Safety Compliance Manager

John Mitchell, Committee and Member Services Officer

#### **Apologies:**

Councillor Tidball sent apologies.

## **92. Declarations of Interest**

None.

## **93. Addresses and Questions by Members of the Public**

None.

## **94. Councillor Addresses on any item for decision on the Board's agenda**

Cllr Pat Kennedy addressed Cabinet in relation to item 9 on the agenda (Budget 2021/2022).

The pandemic had shown the value of community support at a time of increased poverty, unemployment, and loneliness. Community centres were able to provide valuable company and support in these challenging times.

The user groups and supporters of the Bullingdon Community Centre were pleased and relieved that the proposed budget for 2021-2022 would unpause the rebuilding of the Centre.

The Trustees had been working closely with the Community Team on the next stages of the project and would be attending a project team meeting the following week. She thanked officers for maintaining a good working relationship with the Trustees and Cllr Tidball, Cabinet Member for Supporting Local Communities, for her work on the project. The Trustees were hoping to welcome back many of their user groups in due course as well as expanding and developing their links with the diverse communities of Lye Valley.

In conclusion she also thanked officers and Cllr Turner, Cabinet Member for Finance & Asset Management, for the months of work that had gone into producing the budget papers.

Speaking on Cllr Tidball's behalf, the Chair noted that she too was very grateful for the work which had been and was being done to bring the work on the Bullingdon Community Centre forward.

Councillor Gant also addressed Cabinet in relation to item 9 on the agenda (Budget 2021/2022) about Neighbourhood CIL and the regulations which govern decisions about how this element of CIL is spent. He went on to raise three detailed questions to which Councillor Hollingsworth, Cabinet Member for Planning and Housing Delivery, provided detailed but partial responses. It was agreed that full responses should be given via these minutes and they, together with the questions, will be attached when available.

## **95. Councillor Addresses on Neighbourhood Issues**

None.

## **96. Items raised by Board Members**

None.

## **97. Scrutiny Committee Reports**

### Hidden Homelessness

Tom Hudson, Scrutiny Officer, introduced the report, giving apologies on behalf of Cllr Bely-Summers, Chair of the Housing & Homelessness Panel. The report, commissioned by the Scrutiny Committee, had received high praise from the Panel. The implementation of the Homelessness Reduction Act had obviated the most significant cause of hidden homelessness given the establishment of a duty to house single homeless people. As a result the Panel's discussion had shifted to focus on the position of those living in sub-optimal conditions but who were not, technically, homeless, as reflected in its final recommendations.

In Cllr Mike Rowley's absence the Chair drew attention to his partial support for the recommendations which were moderated only by the costs associated with full acceptance but which could not, regrettably, be afforded in the present climate.

### Draft Strategic Vision for Oxfordshire

Cllr Gant introduced the report, drawing attention to the Committee's recommendation that the recommendations of the Growth Board's Scrutiny Panel should be echoed by the Council and a number of other matters which the Committee felt should be given greater emphasis.

The Chair expressed her overall and detailed support for the Committee's recommendations, suggesting an improvement to the wording of the second recommendation in relation to the need to tackle economic inequality which was something about which great efforts had been and would continue to be made as part of an overall wish that the City and County should develop an inclusive economy. It would be difficult to get agreement to the suggestion that there should be a dedicated section on the improvement of mental wellbeing; a reference to mental wellbeing within a wider section on health was probably more realistic and, indeed, important.

### Workplace Equalities & Action Plan

Cllr Gant introduced the report and was pleased to note that Cabinet had been able to accept all of the Committee's recommendations. He drew attention to the Committee's strong support for publication of the ethnicity pay gap.

Cllr Nigel Chapman, Cabinet Member for Customer Focused Services, agreed that there should be work on the Stonewall model for recording sexuality and gender matters but noted that this was anonymous which would limit its value in informing the Council's employment practices.

## Waterways Report

Cllr Gant introduced the report, drawing particular attention to the recommendation that the Council might work closely with neighbouring authorities with a view to establishing a shared waterways co-ordinator post. While not resulting in a recommendation, there had been discussion of the potential for infrastructure funding associated with house building to be used to benefit boat owners for developments close to waterways. The recommendation that there should be an increase in the number of projects in waterways to the east and south of the city had not been accepted which was regrettable, not least because this included the Thames and its tributaries.

Councillor Louise Upton, Cabinet Member for Safer, Healthy Oxford, noted that the Waterways Coordinator post had been extremely successful and added a great deal of value to the Council's work in this area. The rejection of the recommendation in relation to projects to the east and south of the City had been driven simply by concerns about capacity and the need to focus on current projects until resources permitted an expansion of the areas in which projects could take place.

## **98. Draft Strategic Vision for Oxfordshire**

The Assistant Chief Executive had submitted a report which introduced a first draft of a Strategic Vision for Oxfordshire. The report explained the purpose of the approach, the scope and content of the Vision, and the timeline for the current engagement and finalising the Vision. The Draft Vision was presented for discussion and comment to help inform revisions prior to seeking future Growth Board endorsement.

The Chair introduced the report which represented a wish by all of the Growth Board's partners to arrive at an overarching shared strategic vision for the future. From the Council's point of view there was a wish that the vision should be as inclusive as possible. While the current draft represented a good start there was still some room for improvement. The need to engage young people with the process was clearly important given the significance of such a vision for them in the future. She noted that recent consultations in relation to the Citizens' Assembly and the Council's 2020 vision had revealed strikingly similar themes in terms of what people wanted in respect of neighbourhoods in which they could live, work and enjoy leisure time, comfortably and safely.

Cabinet resolved to:

1. **Agree** that its views on the Draft Strategic Vision for Oxfordshire should be forwarded to the Growth Board; and
2. **Delegate responsibility** to the Assistant Chief Executive to develop a response to the Strategic Vision engagement exercise, in consultation with the Leader, reflecting the views expressed at the meeting.

## **99. Budget 2021/2022**

The Head of Financial Services had submitted a report to propose a Medium Term Financial Strategy and the 2021/22 Budget for consultation.

Councillor Ed Turner, Cabinet Member for Finance & Asset Management, introduced the report in anticipation of the budget consultation which would go live following the meeting and which would conclude with a detailed budget discussion and debate at the Budget Council meeting in February. He drew attention to a few overarching factors in relation to the proposals. The impact of Covid-19 had been and would continue to be significant. The combined negative impact was expected to be about £29 million this year and over the following four years. Government support of about £8 million to date had been welcome but was not sufficient to compensate for the losses due to Covid-19 and the Council would continue to lobby for more. The Government's Comprehensive Spending Review looked likely to provide some further limited relief. The Council's ambition to protect front line services, particularly for the most vulnerable, was undiminished and at a time when the number of vulnerable residents had increased because of Covid-19. The 'Oxford Model' of protecting front line services in parallel with generating income had been severely challenged by pressure on income streams as a result of Covid-19.

Despite the good work which had been done to identify potential areas for saving alongside new potential income streams it was inevitable that a significant proportion of the Council's reserves would have to be called upon. This was unwelcome as some of those reserves have provided an income, many of them had been earmarked for particular purposes and the reduction would reduce the Council's future resilience. Some proposals, such as charging for removal of bulky items and garden waste, were being put forward reluctantly but necessarily.

Cllr Turner was pleased to note that dialogue with trade union colleagues about these matters had been very positive, this included proposals for a one year rather than multi-year pay deal. It seemed likely that there would be more changes between these proposals and the final budget than would normally be the case because of a changing financial landscape as a result of anticipated Government announcements. He concluded by paying tribute to the work of the finance team in particular who had worked hard to develop these proposals while having, also, to cope with an additional operational workload.

Nigel Kennedy, Head of Financial Services, drew attention to elements of the recently announced Government Spending Review. These included a 3 month extension to the compensation scheme for sales, fees and charges; neither the fairer funding review nor the business rates reset (now delayed until April 2022) would benefit the Council; the budget referendum limit remained at 2%; and the New Homes Bonus had been confirmed for 2021/22.

Cabinet noted the importance of making it as easy as possible for all residents to respond to the consultation by whatever means was easiest for them.

Cabinet was pleased to note that despite the very challenging financial environment, the proposed budget still managed to expand the Council's commitment to reduced carbon emissions. This at a time when the national Climate Change Committee had

just given its advice about the need for Local Authorities, among others, to improve their performance in this area.

The Chair concluded by thanking Cllr Turner, the finance team, unions and all those who had contributed to developing these proposals in such a challenging environment while still protecting the Council's priorities as far as possible.

Cabinet resolved to:

1. **Approve** the 2021-22 General Fund and Housing Revenue Account budgets for consultation and the General Fund and Housing Revenue Account Medium Term Financial Strategy as set out in Appendices 1-9, noting:

a) the Council's General Fund Budget Requirement of £23.403 million for 2021/22 and an increase in the Band D Council Tax of 1.99% or £6.25 per annum representing a Band D Council Tax of £320.17 per annum subject to confirmation of the referendum levels contained in paragraph 9 (c) of the report

b) the Housing Revenue Account budget for 2021/22 of £46.649 million and an increase of 1.50% (£1.57 per week) in social dwelling rents from 1 April 2021 giving a revised weekly average social rent of £107.03 as set out in Appendix 5

c) the General Fund and Housing Revenue Account Capital Programme as shown in Appendix 6.

2. **Agree** the fees and charges shown in Appendix 7;

3. **Delegate** to the Section 151 Officer in consultation with the Board Member for Finance and Assets the decision to determine whether it is financially advantageous for the Council to enter into a Business Rates Distribution Agreement as referred to in paragraphs 32-33 of the report;

4. **Approve** the payment into the County Council Pension Fund of £5 million in 2023-24 as referred to in paragraph 40 of the report; and

5. **Agree** to un-pause capital schemes and items of revenue spend previously paused as referred to in paragraphs 55 and 94 of the report.

## **100. Quarterly Integrated Performance 2020/21– Q2**

The Head of Financial Services and Head of Business Improvement had submitted a report to update the Cabinet on Finance, Risk and Corporate Performance matters as at 30th September 2020.

Councillor Turner, Cabinet Member for Finance & Asset Management, introduced the report which illustrated some of the detailed consequences of Covid-19, with a focus on the financial loss and delays to the capital programme.

Cabinet resolved to:

1. **Note** the projected financial outturn as well as the current position on risk and performance as at 30 September 2020; and

2. **Note** the un-pausing of the Commercial Property capital project of £42million to allow for the purchase of properties for regeneration.

## **101. Treasury Management Mid –Year Report**

The Head of Financial Services had submitted a report on the performance of the Treasury Management function for the 6 months to 30 September 2020.

Councillor Turner, Cabinet Member for Finance & Asset Management, introduced the report. At a time of low interest rates this was always going to be a challenging area. He had been paying particular attention to investment funds. The Council's interests in both the CCLA Property Fund and the Lothbury Investment Fund remained at a higher value than when acquired.

Cabinet resolved to:

1. **Note** the performance of the Treasury Management function for the six months to 30th September 2020.

## **102. Lift Maintenance and Repair**

The Head of Housing had submitted a report to seek project approval and delegation to award a contract to deliver Lift Maintenance and Repair Services to the Council.

Councillor Turner, Cabinet Member for Finance & Asset Management, introduced the report. A new contract needed to be procured as the existing one was coming to an end. He drew attention to the fact that this would take account of the new procurement policy and so look for proper a balance between quality and price, promotion of the Oxford Living Wage and the inclusion of Social Value.

In response to a question about the possibility of bringing this work in house it was explained that it required a degree of specialisation which was not currently available within either the Council or ODS and this was not an area of work into which the latter was likely to want to expand.

It was agreed that some form of tenant involvement with this contract would be valuable.

Cabinet resolved to:

1. **Grant project approval** for the provision of Lift Maintenance and Repair Services to the Council; and

2. **Delegate authority** to the Executive Director of Housing, after consultation with the Monitoring Officer and the s151 Officer, to award the Lift Maintenance and Repair Services contract to the successful supplier(s) following completion of a tender process undertaken in accordance with the Public Contracts Regulations 2015.

## **103. Legionella Control Services**

The Head of Housing had submitted a report to seek project approval and delegation to award a contract to deliver Legionella Control Services to the Council.

Councillor Turner, Cabinet Member for Finance & Asset Management, introduced the report which followed a similar pattern to that for the previous report.

Council resolved to:

1. **Grant project approval** for the provision of Legionella Prevention and Control Services to the Council; and
2. **Delegate authority** to the Executive Director of Housing, after consultation with the Monitoring Officer and s151 Officer, to award the Legionella control contract to the successful supplier(s) following a tender process undertaken in accordance with the Public Contracts Regulations 2015.

## 104. Meanwhile in Oxfordshire

The Executive Director (Development) had submitted a report to seek approval to enter into a £1.875m Funding Agreement with Oxfordshire Local Enterprise Partnership to support the 'Meanwhile in Oxfordshire...' project and to procure an operator to identify fit out and let vacant commercial units across the county.

The Chair introduced the report which sought to take advantage of funding to make good use of premises likely to become vacant because of the impact of Covid-19 on the local economy with a particular focus on the potential use by emerging small businesses and social enterprises. This was an exciting project but one with the challenging timescale for completion of March 2022.

Cabinet resolved to:

1. **Delegate authority** to the Executive Director-Development, in consultation with the Council's Section 151 Officer, the Head of Law and Governance and the Leader of the Council, to agree and enter into grant funding arrangements and contractual terms with OxLEP for £1.875m in Getting Building Fund funds for the delivery of 'Meanwhile in Oxfordshire...';
2. **Draw down the £1.875m** and **delegate authority** to the Executive Director – Development, in consultation with the Council's Section 151 Officer, the Head of Law and Governance and the Leader of the Council to enter into contract with an operator, subject to an appropriate procurement process; and to allocate appropriate internal project management resource to deliver the project from the allocated funding; and
3. **Delegate authority** to the Executive Director-Development to take any further steps necessary to comply with the grant funding conditions and to deliver the project within the identified budget in order to meet the challenging timescales of the project including explicit permission to enter into an OJEU compliant procurement process and taking account of any prevailing UK legislation at time of procurement to contract a Meanwhile Operator.



## 105. Annual Monitoring Report 2019/20

The Head of Planning Services had submitted a report seeking Cabinet approval for the Annual Monitoring Report and Infrastructure Funding Statement for publication.

Councillor Alex Hollingsworth, Cabinet Member for Planning & Housing Delivery, introduced the report which looked at performance against the Council's previous Local Plan (the new one having been introduced earlier in the year). Worthy of note was the fact that the Council's housing delivery target had been met for the first time in several years (having been previously impacted by the financial crisis). The report also commented on the two universities' positions in relation to their targets for students accommodated outside their own premises: Oxford University was under its target and Oxford Brookes over. Planning proposals were however being prepared which were likely to bring the latter into line with its new target.

Cabinet resolved to:

1. **Approve** the Annual Monitoring Report and Infrastructure Funding Statement 2019/20 for publication; and
2. **Authorise** the Head of Planning Services to make any necessary minor corrections not materially affecting the document prior to publication.

## 106. Boswells Department Store

The Executive Director, Development had submitted a report to seek approval to enter into an agreement to enable the redevelopment of the Boswells department store to create a new 4\* hotel.

This was considered in confidential session the substance of which is recorded in a confidential minute.

Cabinet resolved to:

1. **Approve** the terms negotiated in relation to the redevelopment of the Boswells Department Store as set out in Exempt Appendix 2 - not for publication; and
2. **Delegate** authority to the Executive Director – Development, in consultation with the Section 151 officer, Head of Law and Governance and the Cabinet Member for Finance and Property, to vary those terms on condition that the revised terms continue to represent the best consideration reasonably obtainable.

## 107. Community Infrastructure Levy (CIL) – In Kind Policy

The Head of Planning Services had submitted a report to approve the policy for Community Infrastructure Levy (CIL) Payment in Kind.

Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery, introduced the report. The report would allow the Council to accept CIL in the form of the provision of land or the provision of infrastructure, which, at the moment, it cannot.

Cabinet resolved to:

1. **Approve** the Community Infrastructure Levy (CIL) In Kind Policy (pursuant to regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended) (“the CIL Regulations”) which will come into force on 21 December 2020 if approved.

## **108. Workplace Equalities and Action Plan**

The Head of Business Improvement had submitted a report to:

Present and seek approval for the publication of the annual Workforce Equality Report 2020, which includes the Gender Pay Gap Report and the Ethnicity Pay Gap Report;

Share current progress on the development of the draft Equalities, Diversity and Inclusion (EDI) Strategy where it relates to Workforce Equality; and

For the Cabinet to note that the actions that will fall out of the draft EDI strategy will support the Council to develop the relationships with local communities, which will assist the Council to realise its employee representation aspirations.

Councillor Nigel Chapman, Cabinet Member for Customer Focused Services, introduced the report which reflected on the data for the year ending 31 March 2020 and was in respect of Council staff only and not Oxford Direct Services (ODS). This annual report was set, for the first time, in the wider context of the Council’s emerging Equalities, Diversity and Inclusion (EDI) Strategy. It was important for the Council to set a positive example as an employer and to be a credible advocate for equality and inclusion throughout the City. There had been two area of recent focus, increasing the number of ethnic minority employees in the City and the number of women in senior positions. In relation to the number of ethnic minority employees the position had held steady at about 13%. Exit interviews suggested that the majority left for reasons of promotion or geography. In relation to the number of women in senior positions, the data (c. 9 out of 26) suggested that more work was needed. This might include, for example, the promotion of job sharing.

The gender pay gap was about 12% (compared with a national figure of about 17%) and was a direct function of the higher proportion of women in lower paid jobs.

The ethnicity pay gap, published on a voluntary basis, was also driven by the higher proportion of those from an ethnic minority in lower paid jobs.

It was noted that the gender pay gap would be contributed to, in part, by women making positive choices about their work/life balance.

The Chair endorsed the points made and agreed that it would be good to explore opportunities for job sharing, for both men and women.

Cabinet resolved to:

1. **Approve** the contents of the Workforce Equality Report 2020;
2. **Delegate** authority to the Head of Business Improvement to publish the Workforce Equality Report and to make any changes as may be required before publication following Cabinet discussion;
3. **Approve** the contents of the Gender Pay Gap and Ethnicity Pay Gap reports for this year recognising that in the next year a methodology will be developed to undertake a “deep dive” into both datasets to understand the intersectional position, and in addition conduct a Disability Pay Gap analysis; and
4. **Delegate** authority to the Head of Business Improvement to publish the Gender Pay Gap table at paragraph 26 before 30 March 2021 and the Ethnicity Pay Gap table at paragraph 44 on the Council website.

### **109. Land Quality Strategy Review**

The Head of Environmental Sustainability had submitted a report to agree the adoption of the updated Land Quality Strategy 2020.

Councillor Tom Hayes, Cabinet Member for Green Transport and Zero Carbon Oxford, introduced the report. The Council was obliged to review its Land Quality Strategy every 4 or 5 years. For this review it had not been seen necessary to do more than make a few minor modifications and updates.

Cabinet resolved to:

1. **Approve** the revised Land Quality Strategy for adoption;  
Continue to endorse the approved procedure for dealing with contaminated land by:
  - Using the development control regime wherever possible in order to assess and remediate land affected by contamination.
  - Where this is not possible we will utilise powers under Part 2a of the Environmental Protection Act (1990) in order to ensure contaminated land is remediated; and
2. **Note** that if works are required under Part 2a Of the Environmental Protection Act (1990), then this will be funded from contingencies and reserves.

### **110. Minutes**

Cabinet resolved to approve the minutes of the meeting held on 11 November 2020 as a true and accurate record.

### **111. Dates of Future Meetings**

Meetings are scheduled for the following dates:

- 20 January
- 10 February
- 10 March
- 14 April

The Cabinet meeting due to have been held on 12 May had been cancelled because of its proximity to the local elections.

All meetings start at 6pm unless otherwise stated.

### **112. Matters Exempt from Publication**

The following item was considered in confidential session.

### **113. Boswells Department Store - Confidential Appendices 2, 3 and 4**

Considered in confidential session.

**The meeting started at 6.00 pm and ended at 7.50 pm**

**Chair ..... Date: Wednesday 20 January 2021**

## Cabinet 09 December 2020

### Questions from Councillor Gant and responses from Councillor Hollingsworth, Cabinet Member for Planning & Housing Delivery

**Q1.** Does the City Council expect to have a role in deciding how Neighbourhood CIL from the Diamond Place development is spent?

Answer:

Diamond Place is within the Summertown and St Margaret's Neighbourhood Plan area, which has an adopted Neighbourhood Plan and is an unparished area. The CIL Regulations for this circumstance specify that CIL receipts are held by the City Council and Neighbourhood forums are advised twice a year on the amount of CIL funds held. Suggestions regarding expenditure of CIL should go directly to the relevant Neighbourhood Forum. Forums undertake consultations and make decisions on how they would like to spend the receipts in line with their NCP and the CIL regulations. Council officers can provide advice and guidance to assist particularly when it is being done for the first time. The formal request to draw down the money then comes to the City Council who need to ensure that the projects/schemes meet the requirements of the regulations and procurement regulations.

In summary the City Council could, as any other individual or organisation could, make suggestions to the Forum for possible schemes, and would advise if a scheme proposed by the Forum either didn't need the requirements of CIL or the appropriate procurement regulations, but the Forum would make decisions on how the Neighbourhood CIL should be spent.

**Q2.** In relation to paragraph 44 of the Budget report in the papers for this meeting of the City Council Cabinet, are the potential spending items referred to be funded from Neighbourhood CIL, and if so how is the process of agreeing spend with the communities in which the CIL was generated to be carried out?

Answer

In line with the regulations we are consulting on the use of Neighbourhood CIL which has been generated from schemes in areas which are not within a parished area or Neighbourhood plan area as part of the budget process. We have also added a note on the CIL webpage with a link to the consultation, issued a press release and sent an email to the local ward councillors for these areas, residents associations and any other relevant bodies which are held on the planning consultation database.

**Q3.** Is the Cabinet aware of the exchange at yesterday's meeting of the County Council between Cllr Paul Buckley (Wolvercote and Summertown division) and the Leader, Cllr Ian Hudspeth, and the subsequent supplementary and reply, and does the Cabinet have any comment or views on the matter?

Answer

Yes. The exchange, and subsequent coverage of it in the local media, is a helpful lesson in the altered balance between certainty and flexibility that has arisen in the shift from the s106 system to a largely CIL system, the consequences of which are perhaps not widely understood or appreciated.

Before CIL was introduced the main way that developments funded infrastructure was via a Section 106 agreement, a costed shopping list of specific things that the development would need to pay for in order to overcome objections to it getting planning permission. This provided certainty, but was highly inflexible and made it difficult to do things like pool receipts from different schemes to put to a single project.

CIL was introduced as a way to be more flexible, and was amended in 2013 to allow more flexible local input into what the funds were used for. Instead of a fixed shopping list of items to be paid for directly by a development, CIL acts effectively as a development tax which raises money which can be applied to a broad range of things at the discretion of the local council. What is often overlooked is that while local Councils could decide what to fund via the new CIL system, and what to fund using the Section 106 system, they could NOT use both for the same thing. In other words, once a Council puts something on the list of projects that CIL COULD be used for then that Council CANNOT use a S106 agreement for that project.

Oxford City Council decided to keep using S106 for social housing, but otherwise to create a broad list of potential projects that could be funded by CIL (adopted as the Regulation 123 list in 2013). Under Education it lists extensions to primary schools, which is what it is proposed for Oxford North. In other words, because it is listed as a project that COULD be funded by CIL, it is NOT possible to fund it via the S106 route. Flexibility has taken the place of certainty in the system.

This means that Oxfordshire County Council, which is both the Highways Authority and the Education Authority, will want to make proposals for using CIL for both contributions to the highways network and to the local primary school. While the final decision for the allocation of the CIL funds will rest with the City Council I have no doubt that the County Council's proposals will carry substantial weight.

As with the Diamond Place scheme and the Summertown and St Margaret's Forum, 25% of the CIL receipt from Oxford North goes to the Wolvercote Forum, and as outlined in the answer to Question 1, they can spend it as they like subject to the regulations. The City Council cannot tell them how to spend it; while it is open to both the City Council and the County Council to make suggestions to the Forum, the Forum is in no way bound to follow those suggestions in allocating its funds.

In summary, under the old S106 system the Oxford North Scheme would have had to pay a fixed sum for a list of things which might have included expanding the local primary school(s) - the money would have been ring-fenced, but could not have been applied to anything else. The new more flexible CIL system means that a pot of money will be received, and can be applied to a broader range of projects; in other words, greater flexibility but at the expense of certainty, just as intended by the 2013 reforms to the CIL regulations.

While I have not been an enthusiastic cheerleader for the efforts of the Coalition Government (2010-15), in this one instance I'm inclined to be positive about the intention of their reforms to the CIL system. I have no doubt that Cllrs Gant, Buckley and Hudspeth feel the same given that their parties formed that Government, whatever the consequences of those changes locally.

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